

T H E C A S E

O F T H E

Marquess of Hertford

~~TOUCHING THE~~

DUKEDOME OF SOMERSET.

EDWARD Earl of *Hertford*, (Great-grandfather of the said Marquess) was by Letters Patents under the Great Seal of *England*, bearing date ^{February} 16 April. 5 E. 6. created Duke of *Somerset*, to hold to him and the Heirs males of his body, upon the body of the Lady *Anne* his then wife begotten, and to be begotten for ever; with several other remainders over in tayle.

The said Duke afterwards, viz. in *Michaelsmas* Term 5 E. 6. was endicted of Felony, for procuring and stirring up others to take and imprison *John* Earl of *Warwick* (one of the Kings Privy Council) which Indictment (though void both in matter and form) was pretended to be grounded on the Statute of 5 E. 6. which makes it Felony to stir up and procure others to take away the life of any of the Kings Council; But this Indictment was only for stirring up others to imprison a Privy Councillor (which was never reduced into Act) and the same declared and branded in Print to be void by learned Judges, yet the said Duke was found guilty of Felony, and put to death for this fact, which was but a pretended Felony; and if true, yet no entayled Estate forfeitable thereby.

The malice of his Enemies not satisfied with his blood, afterwards by their power (in the infancy of the Dukes Heir, who continued and was owned for Duke of *Somerset* for several moneths after his Fathers death) procured an Act of Parliament in the same year of 5 E. 6. entitled, *An Act touching the limitation of the late Duke of Somersets Lands*; wherein there is a Clause obliquely inserted, to take away the said Honour so entailed as aforesaid, which by no Felony (how notorious soever the same had been) could by Law have been forfeited.

This being a Case unprecedented both in Law and History, and so contrary to the rules of Law, Justice and reason, to have an Attainder of felony stand for an offence, which apparently neither then, nor at any time after was felony: And if a felony, yet to have a forfeiture extended beyond the offence (if there were any) and to be so maliciously prosecuted after the death of the said Duke, (who was mainly instrumentall in bringing about the blessed Reformation of Religion :) It is humbly conceived to be most agreeable to Justice, to restore the said Marquess, who is Heire male of the bodies of the said Duke and Lady Anne his wife, to his ancient Honour so illegally taken away as aforesaid.